

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Otter
Tail Power Company and Others for
Certification of Transmission Facilities in
Western Minnesota

FIFTH PREHEARING ORDER

A telephone status conference was held October 24, 2008.

Todd J. Guerrero and David L. Sasseville, Lindquist & Vennum, 4200 IDS Center, 80 South Eighth St, Minneapolis, MN 55402, appeared for the Applicants.

Julia E. Anderson, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, and Kate O'Connell, Hwikwon Ham, Steve Rakow and Christopher Shaw, appeared for the Department of Commerce, Office of Energy Security.

Elizabeth I. Goodpaster, Attorney at Law, Minnesota Center for Environmental Advocacy, 26 East Exchange St, Suite 206, St. Paul, MN 55101, appeared for the Minnesota Center for Environmental Advocacy; Minnesotans for an Energy Efficient Economy; Izaak Walton League of America, Midwest Office; Wind on the Wires; and Union of Concerned Scientists.

Nikola Kieves, Counsel, Excelsior Energy, Inc., 11100 Wayzata Blvd, Suite 305, Minnetonka, MN 55305, appeared for the Excelsior Energy, Inc.

Christopher K. Sandberg, Lockridge Grindal Nauen PLLP, 100 Washington Ave S, Suite 2200, Minneapolis, MN 55401, for the Midwest Independent System Operator.

Mrg Simon, Attorney at Law, 3724 W. Avera Drive, P.O. Box 88920, Sioux Falls, SD 57109-8920, appeared for Missouri River Energy Services.

Jeanne Cochran, Assistant Attorney General, 1100 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, appeared for the Minnesota Public Utilities Commission (Commission or PUC). David Jacobson, Minnesota Public Utilities Commission, 121 Seventh Place E., Suite 350, St. Paul, MN 55101 appeared for the Commission Staff.

Based the discussions at the prehearing conference, the Administrative Judge makes the following:

ORDER

1. The remaining schedule is as follows:

Event or Filing	Date
Witness Lists Exchanged	October 31
Prefiled Rebuttal Testimony from the Parties	November 6
Evidentiary Hearings	November 12-14, 9:30 a.m., PUC
Briefs or Proposed Summaries of Evidence	November 21
ALJ's Summary of Additional Evidence	December 24

2. Witness lists shall be provided as soon as possible, but no later than October 31, 2008. They shall include a very brief statement of the nature of the testimony to be presented by each witness.

3. Prefiled rebuttal testimony shall be accompanied by copies of or appropriate links to the source documentation and work papers of the witness, if any, used to prepare the testimony.

4. Discovery regarding the Boston Pacific may be obtained by submitting Information Requests by e-mail no later than November 6, 2008, to Jeanne Cochran, with copies to Robert Cupit and Craig Roach. Boston Pacific should respond by e-mail within three business days unless an objection or request for different response time is made within the same time period. Discovery from parties shall also be by Information Request made no later than November 10, 2008. The response time shall be three days.

5. The order of proceeding at the hearing shall be as follows:

6. The Boston Pacific report shall be received as the first exhibit (numbered sequentially from existing exhibits).

7. The Boston Pacific witness(es) shall testify first. They will be allowed up to ten minutes to use as they wish to summarize or update their report.

8. Commissioners who wish to do so may make opening comments.

9. The Boston Pacific witness(es) shall be questioned in the following order: Applicants, Joint Intervenors, other intervenors, the Department, Commission staff, Commissioners. A round of follow-up questions shall be allowed, in the same order. Adjustments may be made to accommodate the needs of the Commissioners.

10. Witnesses of the parties who have prefiled rebuttal testimony shall be available for cross-examination in the same order as above.

Dated: October 28, 2008

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge